

Amendment No. \_\_\_\_\_

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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1749**

**House Bill No. 1686\***

by deleting SECTION 2 and substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 71-2-105, is amended by adding the following as a new subsection:

(e)

(1) As used in this subsection (e):

(A) "Agency" means an area agency on aging and disability and has the same meaning as "area agency on aging" as defined in § 71-2-103;

(B) "Alzheimer's disease or related dementia" means the diseases and conditions characterized by a decline in memory, language, problem-solving, and other thinking skills that affect an individual's ability to perform everyday activities;

(C) "Informal caregiver" means a spouse, adult child, relative, or friend who provides unpaid care services to an individual, in the individual's home, who suffers from Alzheimer's disease or related dementia;

(D) "Program" means the Alzheimer's and dementia care respite program created by this subsection (e); and

(E) "Respite care":



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(i) Means temporary, substitute support or living arrangements to provide a brief period of relief or rest for informal caregivers; and

(ii) May include in-home care by appropriately trained individuals, or care in an adult day care, assisted living, or nursing home setting, on an intermittent, occasional, or emergency basis.

(2)

(A) There is created the Alzheimer's and dementia respite care pilot program to provide home- and community-based services through grants provided to each of the nine (9) area agencies on aging and disability in this state.

(B) The program may be operated using an agency's existing respite care infrastructure.

(C) An agency shall report the costs of the agency's respite care infrastructure to the commission each year of the pilot program.

(D) The program must:

(i) Be based on grants provided to each of the nine (9) area agencies on aging and disability in this state for respite care services for the sole benefit of individuals who are experiencing symptoms of Alzheimer's disease or related dementia and who have received a clinical diagnosis of Alzheimer's disease or related dementia;

(ii) Be operated from July 1, 2022, to June 30, 2025;

(iii) Actively serve up to a total of two hundred twenty-five (225) enrollees in each fiscal year of the program's operation;

(iv) Give priority for enrollment to those individuals on the wait list for the current state-funded OPTIONS program as of the effective date of this act;

(v) Exclude an individual with Alzheimer's disease or related dementia who is eligible for long-term care services under the Medical Assistance Act of 1968, compiled in chapter 5, part 1 of this title; and

(vi) Be composed of the following two (2) tiers based on a sliding fee scale:

(a) Tier 1, which is designed to provide services to those applicants with an income level that does not permit personal financing of caregiver services; and

(b) Tier 2, which is designed to provide services to those applicants with an income level that allows for cost-sharing of services between the applicant and the program.

(3) Each agency shall submit a written report no later than January 15, 2023, and by January 15 each year thereafter until the close of the pilot program period, to the chairs of the health and welfare committee of the senate and the health committee of the house of representatives on the status of the program. The report must include, at a minimum, the following:

(A) The total funds spent on the program;

(B) The amount of administrative costs to operate the program;

(C) The number of individuals and informal caregivers served by the program;

(D) The income ranges of the individuals and informal caregivers served by the program; and

(E) The efficacy of the program.

(4) This subsection (e) does not create an entitlement to services through the program, and the services provided and the number of individuals served by the program are subject to appropriations by the general assembly.

House Finance, Ways, and Means Subcommittee Am. #1

Amendment No. \_\_\_\_\_

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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

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**AMEND Senate Bill No. 2081\***

**House Bill No. 2226**

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-4-909(d), is amended by deleting the language "one thousand two hundred fifty dollars (\$1,250)" and substituting instead the language "two thousand dollars (\$2,000)".

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it, and applies to students seeking middle college scholarships for the 2022-2023 academic year and each academic year thereafter.



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House Finance, Ways, and Means Subcommittee Am. #1

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**AMEND Senate Bill No. 2647**

**House Bill No. 2625\***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 5, Part 1, is amended by adding the following as a new section:

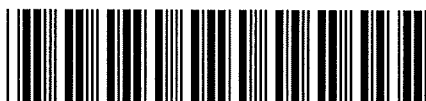
(a) The bureau of TennCare shall study the impact of a policy that requires automatic enrollment of full benefit dual enrollees into a medicare dual special needs plan (D-SNP). The study must examine the impact of such a policy to beneficiaries and the impact to medicare products and services available to the beneficiaries. The bureau shall submit the results of the study to the chair of the insurance committee of the house of representatives, the chair of the commerce and labor committee of the senate, and the legislative librarian no later than January 1, 2023.

(b) Unless authorized by a joint resolution of the general assembly, the bureau of TennCare shall not:

(1) Implement a policy described under subsection (a); or

(2) Reduce current medicare dual special needs plans approved on or before January 1, 2022.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.



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House Finance, Ways, and Means Subcommittee Am. #1

Amendment No. \_\_\_\_\_

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**AMEND Senate Bill No. 958\***

**House Bill No. 1274**

by deleting 50-7-909(a)(2) in SECTION 1 and substituting:

(2) During the week, the individual is able to work and is available for the normal work week with the shared work employer. However, an otherwise eligible individual shall not be denied benefits with respect to any week in which the individual is in training to enhance job skills, including employer-sponsored training or worker training funded under the Workforce Innovation and Opportunity Act (29 U.S.C. § 3101 et seq.), if the training has been approved by the administrator.

**AND FURTHER AMEND** by deleting 50-7-910(b) in SECTION 1 and substituting:

(b) An individual may be eligible for shared work benefits or unemployment benefits, as appropriate, except that no individual is eligible for combined benefits in any benefit year in an amount more than the maximum entitlement established for unemployment benefits, nor is an individual eligible to be paid shared work benefits for more than the applicable maximum number of weeks described in § 50-7-301(d)(2), whether or not consecutive, in any benefit year pursuant to a shared work plan.

**AND FURTHER AMEND** by deleting SECTION 3 and substituting:

SECTION 3. For the purpose of rulemaking, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect December 1, 2023, the public welfare requiring it.



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Amendment No. \_\_\_\_\_

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**AMEND Senate Bill No. 2013**

**House Bill No. 1646\***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. This act is known and may be cited as "Joker's Law."

SECTION 2. Tennessee Code Annotated, Title 39, Chapter 14, Part 2, is amended by adding the following as a new section:

(a) It is an offense to knowingly and unlawfully cause serious bodily injury to or kill a police dog, fire dog, search and rescue dog, service animal, or police horse without the owner's effective consent.

(b)

(1) An offense under subsection (a) is a Class D felony.

(2) If conduct that is in violation of this section is also a violation of § 39-14-205 or any other criminal offense, the offense may be prosecuted under any of the applicable statutes.

(c) A person is justified in killing or injuring the animal of another if the person acted under a reasonable belief that the animal was creating an imminent danger of death or serious bodily injury to that person or another or an imminent danger of death to an animal owned by or in the control of that person. A person is not justified in killing or injuring the animal of another if, at the time of the killing, the person is trespassing upon the property of the owner of the animal. The justification for killing or injuring the animal of another authorized by this subsection (c) does not apply to a person who, while engaging in or attempting to escape from criminal conduct, kills or injures a police dog that is acting in its official capacity. In that case, subsection (a) applies to the person.



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SECTION 3. Tennessee Code Annotated, Section 39-14-205, is amended by deleting the section and substituting:

(a)

(1) It is an offense to knowingly and unlawfully kill the animal of another without the owner's effective consent.

(2) A violation of subdivision (a)(1) is theft of property, graded according to the value of the animal, and punished in accordance with § 39-14-105.

(b) A person is justified in killing the animal of another if the person acted under a reasonable belief that the animal was creating an imminent danger of death or serious bodily injury to that person or another or an imminent danger of death to an animal owned by or in the control of that person. A person is not justified in killing the animal of another if, at the time of the killing, the person is trespassing upon the property of the owner of the animal.

SECTION 4. This act takes effect July 1, 2022, the public welfare requiring it.

Amendment No. \_\_\_\_\_

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**AMEND Senate Bill No. 884**

**House Bill No. 519\***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-4-1702, is amended by deleting the section in its entirety and substituting instead the following:

There is levied a tax on the privilege of engaging in the following vocations, professions, businesses, or occupations:

- (1) Persons registered as lobbyists pursuant to § 3-6-302;
- (2) Persons licensed or registered under title 48, chapter 1 as:
  - (A) Agents;
  - (B) Broker-dealers; and
  - (C) Investment advisers; and
- (3) Persons licensed as attorneys by the supreme court of Tennessee.

SECTION 2. Tennessee Code Annotated, Section 63-6-207(d)(1)(E), is amended by deleting the subdivision.

SECTION 3. Tennessee Code Annotated, Section 63-9-104(d)(5), is amended by deleting the subdivision.

SECTION 4. This act takes effect upon becoming a law, the public welfare requiring it, and applies to privilege taxes due and payable after May 31, 2023.



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Amendment No. \_\_\_\_\_

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**AMEND Senate Bill No. 2288**

**House Bill No. 2118\***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-35-311(a), is amended by deleting the subsection and substituting:

(a)

(1) Whenever it comes to the attention of the trial judge that a defendant who has been released upon suspension of sentence has been guilty of a breach of the laws of this state or has violated the conditions of probation, the trial judge shall have the power to cause to be issued under the trial judge's hand:

(A) A warrant for the arrest of the defendant as in any other criminal case; or

(B) For a technical violation brought by a probation officer, and subject to the discretion of the judge, a criminal summons.

(2) Regardless of whether the defendant is on probation for a misdemeanor or felony, or whether the warrant or summons is issued by a general sessions court judge or the judge of a court of record, a probation officer or a peace officer of the county in which the probationer is found may execute the warrant or serve the summons.

SECTION 2. Tennessee Code Annotated, Section 40-35-311(b), is amended by deleting the language "Whenever any person is arrested" and substituting "Whenever a person is arrested or summoned".



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SECTION 3. Tennessee Code Annotated, Section 40-35-311(d)(1), is amended by adding the following language at the end of the subdivision:

If the trial judge finds by a preponderance of the evidence that the defendant has violated the conditions of probation and suspension of sentence, then the court may revoke the defendant's probation and suspension of sentence, in full or in part, pursuant to § 40-35-310. The court may sentence the defendant to a sentence of probation for the remainder of the unexpired term.

SECTION 4. Tennessee Code Annotated, Section 40-35-311, is amended by deleting subdivision (d)(2) and substituting:

(2) Notwithstanding subdivision (d)(1), the trial judge shall not revoke a defendant's probation and suspension of sentence for a felony offense, whether temporarily under subdivision (e)(1) or otherwise, based upon one (1) instance of technical violation or violations.

SECTION 5. Tennessee Code Annotated, Section 40-35-311, is amended by deleting subdivision (d)(3) in its entirety.

SECTION 6. Tennessee Code Annotated, Section 40-35-311(e)(1), is amended by deleting the language "If the trial judge revokes a defendant's probation and suspension of sentence after finding, by a preponderance of the evidence, that the defendant engaged in conduct that is a second or subsequent instance of a technical violation" and substituting the language "If the trial judge finds by a preponderance of the evidence that the defendant has violated the conditions of probation and suspension of sentence for a felony offense by engaging in conduct that is a second or subsequent instance of a technical violation".

SECTION 7. Tennessee Code Annotated, Section 40-35-311(e)(2), is amended by deleting the language "a new felony, new Class A misdemeanor, zero tolerance violation as defined by the department of correction community supervision sanction matrix, or absconding" and substituting instead:

a new felony, new Class A misdemeanor, zero tolerance violation as defined by the department of correction community supervision sanction matrix, absconding, or contacting the defendant's victim in violation of a condition of probation

SECTION 8. Tennessee Code Annotated, Section 40-35-311, is amended by adding the following as a new subsection:

(g) As used in this section, "technical violation" means an act that violates the terms or conditions of probation but does not constitute a new felony, new Class A misdemeanor, zero tolerance violation as defined by the department of correction community supervision sanction matrix, absconding, or contacting the defendant's victim in violation of a condition of probation.

SECTION 9. Tennessee Code Annotated, Section 40-28-122(c)(1), is amended by deleting the language "a new felony, new Class A misdemeanor, zero tolerance violation as defined by the department of correction community supervision sanction matrix, or absconding" wherever it appears and substituting instead:

a new felony, new Class A misdemeanor, zero tolerance violation as defined by the department of correction community supervision sanction matrix, absconding, or contacting the defendant's victim in violation of a condition of parole

SECTION 10. This act takes effect at 12:01 a.m. on July 1, 2022, the public welfare requiring it, and applies to court determinations made on or after that date.

Amendment No. \_\_\_\_\_

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Signature of Sponsor

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**AMEND Senate Bill No. 2377**

**House Bill No. 2367\***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 38, Part 5, is amended by adding the following as a new section:

(a) As an extension of the existing victim notification system created by this part, the Tennessee sheriffs' association shall establish a criminal proceedings notification system as a pilot program for the purpose of increasing the transparency and efficiency of the criminal justice process by providing timely information about each stage of the criminal process to interested parties.

(b) The information in the criminal proceedings notification system must be available twenty-four (24) hours per day over the telephone, through the internet, or by email. Any interested party may register with the Tennessee sheriffs' association to be automatically notified:

(1) At least twenty-four (24) hours before any hearing in the matter for which the person registered, including, but not limited to, bail hearing, pretrial hearings, trial, and sentencing. The notice must include information on what type of hearing will occur and the date, time, and location for the hearing; and

(2) No more than twenty-four (24) hours after a hearing was conducted in the matter for which the person registered. The notice must include information on whether the hearing occurred as scheduled and, if so, a brief summary of the outcome of the hearing.



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(c) Funding for the criminal proceedings notification system must be appropriated by the general assembly, and moneys from the statewide automated victim information and notification system fund created in § 67-4-602(h)(2) must not be used for the criminal proceedings notification system.

(d) The pilot program established by this section begins July 1, 2022, and ends June 30, 2025.

SECTION 2. This act is not an appropriation of funds, and funds must not be obligated or expended pursuant to this act unless the funds are specifically appropriated by the general appropriations act.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. \_\_\_\_\_

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Signature of Sponsor

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Date \_\_\_\_\_

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**AMEND Senate Bill No. 2458\***

**House Bill No. 2661**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 56-7-3206(c), is amended by deleting the subsection and substituting:

(1) Notwithstanding any law to the contrary, a pharmacy benefits manager shall not reimburse a contracted pharmacy for a prescription drug or device an amount that is less than the actual cost to that pharmacy for the prescription drug or device.

(2)

(A) A pharmacy benefits manager shall establish a process for a pharmacy to appeal a reimbursement for failing to pay at least the actual cost to the pharmacy for the prescription drug or device.

(B) A covered entity's or pharmacy benefits manager's appeals process established pursuant to subdivision (c)(2)(A) must:

(i) Be approved by the commissioner of commerce and insurance;

(ii) Comply with the timing and notice requirements of § 56-7-3108 and such other requirements as the commissioner of commerce and insurance may establish by rule; and

(iii) Permit a pharmacy or its designated agent to file an appeal using the standard appeal form described in subdivision (c)(2)(D).

(C) If a pharmacy chooses to contest a reimbursement for failing to pay at least the actual cost the pharmacy incurred for a particular drug or medical



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product or device, then the pharmacy has the right to designate a pharmacy services administrative organization or other agent to file and handle its appeal.

(D) The commissioner of commerce and insurance shall create and make available to pharmacy benefits managers and covered entities a standard form to be used by a pharmacy or its designated agent to file an appeal pursuant to this subdivision (c)(2) with a pharmacy benefits manager or covered entity.

(3)

(A) If a pharmacy or agent acting on behalf of a pharmacy prevails in an appeal provided for in this subsection (c), then within seven (7) business days after notice of the appeal is received by the pharmacy benefits manager or covered entity, the pharmacy benefits manager or covered entity shall:

(i) Make the necessary change to the challenged rate of reimbursement or actual cost;

(ii) If the product involved in the appeal is a drug, then provide to the pharmacy or agent the national drug code number for the drug on which the change is based;

(iii) Permit the challenging pharmacy to reverse and rebill the claim upon which the appeal is based;

(iv) Pay or waive the cost of any transaction fee required to reverse and rebill the claim;

(v) Reimburse the pharmacy at least the pharmacy's actual cost for the prescription drug or device; and

(vi) Apply the findings from the appeal as to the rate of reimbursement and actual cost for the particular drug or medical product or device to other similarly situated pharmacies.

(B) It is a violation of this subsection (c) if, after an appeal in which a pharmacy or agent acting on behalf of a pharmacy prevails, a pharmacy benefits manager or covered entity fails to reimburse the pharmacy at least actual cost.

(C) As used in subdivision (c)(3)(A)(vi), "similarly situated" means a pharmacy:

- (i) That is in any of the pharmacy benefits manager's networks;
- (ii) That purchases the particular drug or medical product or device to which the finding applies from the same pharmaceutical wholesaler as the pharmacy that prevailed in the appeal; and
- (iii) To which the pharmacy benefits manager also applies the challenged rate of reimbursement or actual cost.

(4) If a pharmacy or agent acting on behalf of a pharmacy loses or is denied an appeal provided for in this section, then:

(A) If the product associated with the national drug code number or unique device identifier is available at a cost that is less than the challenged rate of reimbursement from a pharmaceutical wholesaler in this state, then within seven (7) business days after notice of the appeal is received by the pharmacy benefits manager or covered entity, the pharmacy benefits manager or covered entity shall provide the appealing pharmacy or agent with:

(i) The name of the national or regional pharmaceutical wholesalers operating in this state that have the particular drug or medical product or device currently in stock at a price that is less than the amount of the challenged rate of reimbursement; and

(ii)

(a) If the product involved in the appeal is a drug, then the national drug code number for the drug; or

(b) If the product involved is a medical device, then the unique device identifier for the device; and

(B) If the product associated with the national drug code number or unique device identifier is not available at a cost that is less than the challenged rate of reimbursement from the pharmaceutical wholesaler from whom the pharmacy purchases the majority of prescription pharmaceutical products for resale, then the pharmacy benefits manager shall adjust the challenged rate of reimbursement to an amount equal to or greater than the appealing pharmacy's actual cost and permit the pharmacy to reverse and rebill each claim affected by the inability to procure the pharmaceutical product at a cost that is equal to or less than the previously challenged rate of reimbursement. The pharmacy benefits manager shall pay or waive the cost of any transaction fee required to reverse and rebill the claim.

SECTION 2. Tennessee Code Annotated, Section 56-7-3206, is amended by deleting subsection (d) and substituting:

(d)

(1) Subsection (c) does not apply to a pharmacy benefits manager when utilizing a reimbursement methodology that is identical to the methodology provided for in the state plan for medical assistance approved by the federal centers for medicare and medicaid services.

(2) If a pharmacy benefits manager utilizes a reimbursement methodology that is identical to the methodology provided for in the state plan for medical assistance approved by the federal centers for medicare and medicaid services, then the pharmacy benefits manager shall establish a process for a pharmacy to appeal a reimbursement paid at average acquisition cost and receive an adjusted payment by providing valid and reliable evidence that the

reimbursement does not pay at least the actual cost to the pharmacy for the prescription drug or device.

(e) A pharmacy benefits manager shall not include within the amount calculated to reimburse a pharmacy for actual cost pursuant to subsection (c) the amount of any professional dispensing fee that is payable to the pharmacy.

(f) A pharmacy benefits manager shall pay a professional dispensing fee at a rate that is not less than the amount paid by the TennCare program to a pharmacy, if:

(1) The pharmacy dispenses a prescription drug or device pursuant to an agreement with the pharmacy benefits manager or a covered entity; and

(2) The pharmacy's annual prescription volume is at a level that, if the pharmacy were a TennCare-participating ambulatory pharmacy, would qualify the pharmacy for the enhanced amount of professional dispensing fee for a low-volume pharmacy under the operative version of the Division of TennCare Pharmacy Provider Manual, or a successor manual.

(g)

(1) The commissioner of commerce and insurance is authorized to promulgate rules to effectuate the purposes of this section. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(2) The commissioner shall institute an external appeals process for any appeal denied by a pharmacy benefits manager.

(h) As used in this section:

(1) "Actual cost":

(A) Means the amount a pharmacy paid as evidenced by documentation that includes, but is not limited to, the invoice price minus discounts, price concessions, rebates, or other reductions; and

(B) As used in subdivision (h)(1)(A), "discounts, price concessions, rebates, or other reductions" do not include a cash discount; and

(2) "Allowed amount" means the cost of a prescription drug or device after applying pharmacy benefits manager or covered entity pricing discounts available at the time of the prescription claim transaction.

SECTION 3. Tennessee Code Annotated, Section 56-7-3102(1), is amended by deleting the subdivision and substituting:

(1) "Covered entity":

(A) Means an individual or entity that provides health coverage to covered individuals who are employed or reside in this state, and includes, but is not limited to:

(i) A health insurance issuer;

(ii) A managed health insurance issuer, as defined in § 56-32-128(a);

(iii) A nonprofit hospital;

(iv) A medication service organization;

(v) An insurer;

(vi) A health coverage plan;

(vii) A health maintenance organization licensed to practice pursuant to this title;

(viii) A health program administered by this state or its political subdivisions, including the TennCare programs administered pursuant to the waivers approved by the United States department of health and human services;

(ix) A nonprofit insurance company;

(x) A prepaid plan;

- (xi) A self-insured entity;
  - (xii) Plans governed by the Employee Retirement Income Security Act of 1974 (ERISA) (29 U.S.C. § 1001 et seq.); and
  - (xiii) An employer, labor union, or other group of persons organized in this state; and
- (B) Does not include:

- (i) A health plan that provides coverage only for accidental injury, specified disease, hospital indemnity, medicare supplement, disability income, or other long-term care; or
- (ii) A plan subject to regulation under medicare part D;

SECTION 4. Tennessee Code Annotated, Section 56-7-3102(5), is amended by deleting "self-insured entities, and" and substituting "self-insured entities, plans governed by the Employee Retirement Income Security Act of 1974 (ERISA) (29 U.S.C. § 1001 et seq.), and".

SECTION 5. Tennessee Code Annotated, Section 56-7-3120, is amended by deleting subsection (b) and substituting:

- (b) A pharmacy benefits manager or a covered entity shall not:
  - (1) Interfere with the right of a patient, participant, or beneficiary to choose a contracted pharmacy or contracted provider of choice in a manner that violates § 56-7-2359; or
  - (2) Offer financial or other incentives to a patient, participant, or beneficiary to induce the patient, participant, or beneficiary to utilize a pharmacy owned by or financially beneficial to the pharmacy benefits manager or covered entity.

SECTION 6. Tennessee Code Annotated, Title 56, Chapter 7, Part 31, is amended by adding the following as new subsections:

- (a) A pharmacy benefits manager shall allow patients, participants, and beneficiaries of the pharmacy benefits plans and programs that the pharmacy benefits

manager serves to utilize any pharmacy within this state that is licensed to dispense the prescription pharmaceutical product that the patient, participant, or beneficiary seeks to fill, as long as the pharmacy is willing to accept the same terms and conditions that the pharmacy benefits manager has established for at least one (1) of the networks of pharmacies that the pharmacy benefits manager has established to serve patients, participants, and beneficiaries within this state.

(b) A pharmacy benefits manager may establish a preferred network of pharmacies and a non-preferred network of pharmacies. The pharmacy benefits manager shall not prohibit a pharmacy from participating in either type of network within this state as long as the pharmacy is licensed by this state and the federal government and willing to accept the same terms and conditions that the pharmacy benefits manager has established for other pharmacies participating within the network that the pharmacy wishes to join.

(c) A pharmacy benefits manager shall not charge a patient, participant, or beneficiary of a pharmacy benefits plan or program that the pharmacy benefits manager serves a different copayment obligation or additional fee, or provide any inducement or financial incentive, for using any pharmacy within a given network of pharmacies established by the pharmacy benefits manager to serve patients, participants, and beneficiaries within this state.

SECTION 7. Tennessee Code Annotated, Title 56, Chapter 7, Part 31, is amended by adding the following as a new section:

Notwithstanding another law, this part applies to plans governed by the Employee Retirement Income Security Act of 1974 (ERISA) (29 U.S.C. § 1001 et seq.).

SECTION 8. Tennessee Code Annotated, Title 56, Chapter 7, Part 32, is amended by adding the following as a new section:

Notwithstanding another law, this part applies to plans governed by the Employee Retirement Income Security Act of 1974 (ERISA) (29 U.S.C. § 1001 et seq.).

SECTION 9. Tennessee Code Annotated, Title 56, Chapter 7, Part 31, is amended by adding the following as new subsections:

(a) Except as provided in subsection (b), any information obtained or produced by the department pursuant to an audit of a pharmacy benefits manager is confidential, is not a public record subject to disclosure, and is exempt from title 10, chapter 7.

(b) Audit findings by the department based upon a completed audit of a pharmacy benefits manager are public records subject to public disclosure by the department.

SECTION 10. Tennessee Code Annotated, Title 56, Chapter 7, Part 32, is amended by adding the following as a new section:

A violation of this part may subject the pharmacy benefits manager or covered entity to the sanctions described in § 56-2-305.

SECTION 11. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 12. For the purpose of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect January 1, 2023, the public welfare requiring it, and applies to policies, plans, contracts, and agreements that are entered into, amended, or renewed to take effect on or after that date.



Amendment No. \_\_\_\_\_

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Signature of Sponsor

<b>FILED</b>
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**AMEND Senate Bill No. 905\***

**House Bill No. 1405**

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-6-207, is amended by deleting the section and substituting instead:

(a) As used in this section:

(1) "Agricultural operations" means an activity of agriculture as defined in § 1-3-105(a)(2)(A)(i), (a)(2)(A)(ii), (a)(2)(B), and (a)(2)(C); and

(2) "Qualified farmer or nurseryman" means a person who is engaged in agricultural operations, and who meets one (1) or more of the following criteria:

(A) The person is the owner or lessee of agricultural land from which one thousand five hundred dollars (\$1,500) or more of agricultural products were produced and sold during the year, including payments from government sources;

(B) The person is in the business of providing for-hire custom agricultural services for the plowing, planting, harvesting, growing, raising, or processing of agricultural products or for the maintenance of agricultural land;

(C) The person is the owner of land that qualifies for taxation under the Agricultural Forest and Open Space Land Act of 1976, compiled in chapter 5, part 10 of this title;

(D) The person's federal income tax return contains one (1) or more of the following:



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(i) Business activity on IRS schedule F, profit or loss from farming; and

(ii) Farm rental activity on IRS form 4835, farm rental income and expenses or schedule E, supplemental income and loss; or

(E) The person otherwise establishes to the satisfaction of the commissioner that the person is actively engaged in the business of raising, harvesting, or otherwise producing agricultural commodities as defined in § 67-6-301(c)(2).

(b) The sale at retail, lease, rental, use, consumption, distribution, repair, or storage for use or consumption in this state of tangible personal property, including building material, repair service, labor, warranty, software, or any other item taxable under this chapter, is specifically exempted from the tax imposed by this chapter when sold to a qualified farmer or nurseryman, if the tangible personal property is primarily used by the qualified farmer or nurseryman in agricultural operations.

(c) Persons seeking to become qualified farmers or nurserymen shall apply to the commissioner for authority to make purchases exempt from tax. This application must require information that the commissioner deems necessary. If the commissioner finds from the information that the applicant is entitled to be a qualified farmer or nurseryman, the commissioner shall issue a certificate granting the authority for a period of four (4) years, or until the applicant is no longer operating within the scope of the applicant's original application. A misrepresentation made on the application by the applicant subjects the applicant to applicable taxes, penalty, and interest.

(d) Persons who have obtained authority from the commissioner to make purchases tax exempt as a qualified farmer or nurseryman shall provide their vendors with a copy of the certificate issued by the commissioner or a fully completed Streamlined Sales Tax certificate of exemption, which must include the exemption

authorization number included on the certificate issued by the commissioner, to evidence qualification for the exemption.

(e) Persons making purchases exempt from tax under this section shall keep records to establish that the property qualifies for the exemption. The purchaser is liable for tax, penalty, and interest for making nonqualifying purchases without payment of tax.

(f) Notwithstanding subdivision (a)(2), a person who qualifies as a manufacturer under § 67-6-206 does not qualify as a farmer or nurseryman under this section.

(g) Notwithstanding another law to the contrary, the exemption provided for in this section does not include automobiles, trucks, household appliances, and gasoline or diesel used in vehicles operated upon the public highways of this state.

(h) This section does not exempt tangible personal property, including building material, repair service, labor, warranty, software, or any other item taxable under this chapter from the tax imposed by § 67-6-209.

SECTION 2. This act takes effect January 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_

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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1378\***

**House Bill No. 1416**

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 13, Part 3, is amended by adding the following language as a new section:

**39-13-316. Aggravated human trafficking.**

(a) Aggravated human trafficking is the commission of an act that constitutes any of the following criminal offenses, if the victim of the criminal offense is under thirteen (13) years of age:

- (1) Involuntary labor servitude, under § 39-13-307;
- (2) Trafficking persons for forced labor or services, under § 39-13-308;
- (3) Trafficking for commercial sex act, under § 39-13-309;
- (4) Patronizing prostitution, under § 39-13-514; or
- (5) Promoting prostitution, under § 39-13-515.

(b)

(1) Aggravated human trafficking is a Class A felony.

(2) Notwithstanding title 40, chapter 35, a person convicted of a violation of this section shall be punished as a Range II offender; however, the sentence imposed upon the person may, if appropriate, be within Range III but in no case shall it be lower than Range II.

(3) Section 39-13-525(a) does not apply to a person sentenced for a violation of this section under subdivision (a)(3), (a)(4), or (a)(5).



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(4) Notwithstanding another law to the contrary, the board of parole may require, as a mandatory condition of supervision for a person convicted of a violation of this section under subdivision (a)(3), (a)(4), or (a)(5), that the person be enrolled in a satellite-based monitoring program for the full extent of the person's term of supervision consistent with the requirements of § 40-39-302.

(c) Title 40, chapter 35, part 5, regarding release eligibility status and parole, does not apply to or authorize the release of a person convicted of a violation of this section prior to service of the entire sentence imposed by the court.

(d) Title 41, chapter 1, part 5, does not give either the governor or the board of parole the authority to release or cause the release of a person convicted of a violation of this section prior to the service of the entire sentence imposed by the court.

SECTION 2. Tennessee Code Annotated, Section 39-13-307, is amended by deleting subsection (d) and substituting:

(1) Involuntary servitude is a Class C felony.

(2) Involuntary servitude is a Class B felony if:

(A) The violation resulted in the serious bodily injury or death of a victim;

(B) The period of time during which the victim was held in servitude exceeded one (1) year; or

(C) The defendant held ten (10) or more victims in servitude at any time during the course of the defendant's criminal episode.

(3) Involuntary servitude is a Class A felony if the victim was more than twelve (12) years of age but less than eighteen (18) years of age.

SECTION 3. Tennessee Code Annotated, Section 39-13-308, is amended by deleting subsection (c) and substituting:

(1) Trafficking for forced labor or services is a Class C felony.

(2) Trafficking for forced labor or services is a Class A felony if the victim was more than twelve (12) years of age but less than eighteen (18) years of age.

SECTION 4. Tennessee Code Annotated, Section 39-13-309, is amended by deleting subsection (c) and substituting:

(c)

(1) A violation of subsection (a) is a Class B felony, except as provided in subdivision (c)(2).

(2) A violation of subsection (a) is a Class A felony if the victim of the offense is a child more than twelve (12) years of age but less than eighteen (18) years of age.

SECTION 5. Tennessee Code Annotated, Section 39-13-314, is amended by deleting subdivision (a)(1)(D) and substituting:

(D) Patronizing prostitution, under § 39-13-514(b)(3)(A); or

(E) Promoting prostitution, under § 39-13-515(c); and

SECTION 6. Tennessee Code Annotated, Section 39-13-515, is amended by deleting subsection (c) and substituting:

(c) Promoting prostitution of a person more than twelve (12) years of age but less than eighteen (18) years of age or a person with an intellectual disability as defined in § 33-1-101 is a Class A felony.

SECTION 7. Tennessee Code Annotated, Section 39-13-524(a), is amended by adding the following as a new subdivision:

(5) July 1, 2022, commits a violation of § 39-13-316(a)(3), (a)(4), or (a)(5).

SECTION 8. Tennessee Code Annotated, Section 40-35-501, is amended by adding the following as a new subsection:

( ) Notwithstanding other provisions of this section to the contrary, there shall be no release eligibility for a person committing the offense of aggravated human trafficking, as defined in § 39-13-316, on or after July 1, 2022. The person shall serve one hundred percent (100%) of the sentence imposed by the court undiminished by any sentence reduction credits the person may be eligible for or earn. The person shall be permitted

to earn any credits for which the person is eligible, and the credits may be used for the purpose of increased privileges, reduced security classification, or for a purpose other than the reduction of the sentence imposed by the court.

SECTION 9. This act takes effect at 12:01 a.m. on July 1, 2022, the public welfare requiring it, and applies to offenses committed on or after that date.

House Finance, Ways, and Means Subcommittee Am. #1

Amendment No. \_\_\_\_\_

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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1904**

**House Bill No. 1927\***

by adding the following as a new subsection (d) in § 43-27-207 of Section 1:

(d) Of the revenue described in subsection (c) to be deposited into a special account and allocated to the department of agriculture, two percent (2%) must be subtracted from such revenue for distribution to the general fund for expenses of administration before the revenue is deposited into the special account.

**AND FURTHER AMEND** by deleting subdivision (1) in Section 2 and substituting instead the following:

(1) Sections 43-27-202, 43-27-203, 43-27-204, and 43-27-207 take effect July 1, 2022, the public welfare requiring it; and



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House Finance, Ways, and Means Subcommittee Am. #1

Amendment No. \_\_\_\_\_

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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1599**

**House Bill No. 846\***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-6-143, is amended by deleting subsection (d).

SECTION 2. This act takes effect July 1, 2022, the public welfare requiring it.



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Amendment No. \_\_\_\_\_

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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

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Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1997**

**House Bill No. 2043\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 39-17-408, is amended by adding the following as a new subsection:

( ) Tianeptine and any salt, sulfate, free acid, or other preparation of tianeptine, and any salt, sulfate, free acid, compound, derivative, precursor, or other preparation thereof that is substantially chemically equivalent or identical with tianeptine.

SECTION 2. Tennessee Code Annotated, Section 39-17-418, is amended by adding the following as a new subsection:

( ) Notwithstanding any other subsection to the contrary, a violation of subsection (a) with respect to tianeptine and any salt, sulfate, free acid, or other preparation of tianeptine and any salt, sulfate, free acid, compound, derivative, precursor, or other preparation thereof that is substantially chemically equivalent or identical with tianeptine is a Class A misdemeanor.

SECTION 3. This act takes effect July 1, 2022, the public welfare requiring it.



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House Finance, Ways, and Means Subcommittee Am. #1

Amendment No. \_\_\_\_\_

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Signature of Sponsor

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Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 2480**

**House Bill No. 2608\***

by deleting the language "five (5) years" in Section 1(b) and substituting instead the language "three (3) years".

**AND FURTHER AMEND** by deleting the language "January 1, 2023, through December 31, 2028" in § 67-6-350(a) of the amendatory language of Section 2 and substituting instead the language "July 1, 2022, through June 30, 2025".

**AND FURTHER AMEND** by redesignating § 67-6-350(b) as § 67-6-350(c) in the amendatory language of Section 2 and adding the following as a new subsection (b):

(b) This section does not apply to the retail sale of personal consumer electronics, including, but not limited to, smartphones, computers, and tablets, and consumer-grade modems and Wi-Fi routers.

**AND FURTHER AMEND** by adding the following as a new section immediately preceding the penultimate section:

SECTION \_\_. Beginning July 1, 2022, the Commissioner of Revenue shall reimburse counties and municipalities for loss of revenue resulting from the tax exemption provided for in this act. Subject to appropriations, a sum must be earmarked and allocated from the general fund for this purpose.



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House Finance, Ways, and Means Subcommittee Am. #2

Amendment No. \_\_\_\_\_

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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 2458\***

**House Bill No. 2661**

by deleting the language "to induce" in subdivision (b)(2) of Section 5 and substituting instead the language "to persuade".



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